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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 DENVER G. SMITH,

11 Petitioner,

12 v.

13 TIMOTHY WENGLER and ROB McKENNA,  
14 Attorney General of the State of Washington,

15 Respondents.

Case No. C08-5349 BHS/KLS

ORDER FOR SERVICE AND  
RETURN, § 2254 PETITION

16 (1) The Clerk shall arrange for service by certified mail upon Respondents, a copy of the  
17 Petition (Dkts. # 7 and 8), of all documents in support thereof, and of this Order. All costs of  
18 service shall be advanced by the United States. The Clerk shall assemble the necessary documents  
19 to effect service. The Clerk shall send Petitioner a copy of this Order, and the General Order. The  
20 Clerk will also send a courtesy copy of the petition to the Washington State Attorney General's  
21 Office Criminal Justice Division.

22 (2) Within forty-five (45) days after such service, Respondents shall file and serve an  
23 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District  
24 Courts. As part of such answer, Respondents should state whether Petitioner has exhausted  
25 available state remedies, whether an evidentiary hearing is necessary, and whether there is any issue  
26 of abuse of delay under Rule 9. Respondents shall not file a dispositive motion in place of an  
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1 answer without first showing cause as to why an answer is inadequate. Respondents shall file the  
2 answer with the Clerk of Court and serve a copy of the answer upon Petitioner.

3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon  
4 receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the  
5 answer is filed, Petitioner may file and serve a response not later than on the Monday immediately  
6 preceding the Friday appointed for consideration of the matter, and Respondents may file and serve  
7 a reply brief not later than the Friday designated for consideration of the matter.

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9 DATED this 25th day of September, 2008.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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